

Calendar No. 233

108TH CONGRESS
1ST SESSION**S. RES. 184**

Calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2003

Mr. KYL (for himself, Ms. MIKULSKI, Mr. BROWNBACk, Mr. MCCAIN, Mr. ALLEN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Foreign Relations

JULY 25 (legislative day, JULY 21), 2003

Reported by Mr. LUGAR, with amendments and an amendment to the preamble

[Omit the part struck through and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, and for other purposes.

~~Whereas, according to the Department of State's 2002 Country Reports on Human Rights Practices in China, the Government of the People's Republic of China has "continued to commit numerous and serious [human rights] abuses," including "instances of : : : arbitrary arrest and~~

detention, lengthy incommunicado detention, and denial of due process”;

Whereas according to the report, “the country’s criminal procedures were not in compliance with international standards,” the “lack of due process in the judicial system remained a serious problem,” and “authorities routinely violated legal protections in the cases of political dissidents”;

Whereas Dr. Yang Jianli, an internationally renowned scholar, pro-democracy activist, and president of the Foundation for China in the 21st Century, is an alien lawfully admitted for permanent residence in the United States who has been detained incommunicado by the Government of the People’s Republic of China since April 26, 2002;

Whereas according to the United Nations Commission on Human Rights Resolution 1997/38 of April 11, 1997, “prolonged incommunicado detention may . . . itself constitute a form of cruel, inhuman, or degrading treatment,” which is prohibited by international law;

Whereas Dr. Yang Jianli has been deprived of his basic human rights by being denied access to legal counsel and contact with his wife and two children (who are United States citizens); and has also been denied his right to trial within a reasonable time or to release pending trial;

Whereas, on June 3, 2003, the United Nations Working Group on Arbitrary Detention expressed the opinion that “[t]he non-observance of Mr. Yang Jianli’s right to a fair trial is of such gravity as to give his deprivation of liberty an arbitrary character. Therefore, his arrest and detention is arbitrary being in contravention of article 9 of the

Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights.”; and

Whereas the arbitrary imprisonment of United States citizens and permanent resident aliens by the Government of the People’s Republic of China and the continuing violations by the Government of their fundamental human rights demands a forceful response by Congress and the President of the United States: Now, therefore, be it

Whereas, according to the Department of State’s 2002 Country Reports on Human Rights Practices in China, the Government of the People’s Republic of China has “continued to commit numerous and serious [human rights] abuses,” including “instances of . . . arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process”;

Whereas according to the report, “the country’s criminal procedures were not in compliance with international standards,” the “lack of due process in the judicial system remained a serious problem,” and “authorities routinely violated legal protections in the cases of political dissidents”;

Whereas Dr. Yang Jianli, an internationally renowned scholar, pro-democracy activist, and president of the Foundation for China in the 21st Century, is an alien lawfully admitted for permanent residence in the United States;

Whereas Dr. Yang Jianli allegedly entered the People’s Republic of China on false travel documents on April 19, 2002, and has been detained by the Government of the People’s Republic of China since his arrest on April 26, 2002;

Whereas Dr. Yang Jianli was held incommunicado for the first 14 months of his detention;

Whereas, on July 17, 2003, Chinese authorities finally indicted Dr. Yang Jianli for “espionage and crossing the national border illegally”;

Whereas according to the United Nations Commission on Human Rights Resolution 1997/38 of April 11, 1997, “prolonged incommunicado detention may . . . itself constitute a form of cruel, inhuman, or degrading treatment,” which is prohibited by international law;

Whereas Dr. Yang Jianli was until recently deprived of his basic human rights by being denied access to legal counsel and contact with his wife and two children (who are United States citizens), and has also been denied his right to trial within a reasonable time or to release pending trial;

Whereas, on June 3, 2003, the United Nations Working Group on Arbitrary Detention expressed the opinion that “[t]he non-observance of Mr. Yang Jianli’s right to a fair trial is of such gravity as to give his deprivation of liberty an arbitrary character. Therefore, his arrest and detention is arbitrary being in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights.”; and

Whereas the arbitrary imprisonment of United States citizens and permanent resident aliens by the Government of the People’s Republic of China and the continuing violations by the Government of their fundamental human rights demands a strong response by Congress and the President of the United States: Now, therefore, be it

1 *Resolved,*

1 **SECTION 1. CONDEMNATION OF THE TREATMENT BY THE**
 2 **GOVERNMENT OF CHINA OF DR. YANG**
 3 **JIANLI.**

4 The Senate—

5 (1) condemns and deplores the incommunicado
 6 detention of Dr. Yang Jianli, and calls for his imme-
 7 diate and unconditional release;

8 (2) condemns and deplores the lack of due proc-
 9 ess afforded to Dr. Yang; and

10 (3) strongly urges the Government of the Peo-
 11 ple's Republic of China to consider the implications
 12 for the broader relationship between the United
 13 States and the People's Republic of China of detain-
 14 ing permanent resident aliens of the United States
 15 without providing them access to legal counsel or
 16 family members.

17 **SEC. 2. SENSE OF THE SENATE.**

18 It is the sense of the Senate that the United States
 19 should—

20 ~~(1) make the immediate release of Dr. Yang~~
 21 ~~Jianli by the Government of the People's Republic of~~
 22 ~~China a top priority of United States foreign policy;~~

23 *(1) work to secure the immediate humanitarian*
 24 *release of Dr. Yang Jianli by the Government of the*
 25 *People's Republic of China;*

1 (2) continue to make every effort to assist Dr.
 2 Yang Jianli and his family while discussions of his
 3 release are ongoing;

4 (3) ensure that the Government of the People's
 5 Republic of China understands that the detention of
 6 United States citizens and permanent resident
 7 aliens, and the infliction of human rights violations
 8 on these groups, is ~~not in the interests of the Gov-~~
 9 ~~ernment of the People's Republic of China~~ because
 10 ~~it~~ will reduce the opportunities for cooperation be-
 11 tween the United States and the People's Republic
 12 of China;

13 (4) reiterate its deep concern regarding the con-
 14 tinued imprisonment of Dr. Yang Jianli and other
 15 United States citizens and permanent resident aliens
 16 ~~whose human rights are being violated; and;~~

17 (5) engage in discussions with the Government
 18 of the People's Republic of China regarding the legal
 19 status and immediate humanitarian needs of these
 20 United States citizens and permanent resident
 21 aliens; *and*

22 (6) *in the context of an ongoing human rights*
 23 *dialogue with the Government of the People's Republic*
 24 *of China, seek to develop initiatives in the area of the*
 25 *rule of law, with the goal of bringing the legal system*

- 1 *of the People's Republic of China into full compliance*
- 2 *with international standards.*

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of China immediately and unconditionally to re-
lease Dr. Yang Jianli, and for other purposes.

JULY 25 (legislative day, JULY 21), 2003

Reported with amendments and an amendment to the
preamble